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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,022	07/06/2001	Yukitoshi Takeuchi	35.C15547	3535
5514	7590	08/09/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			THOMPSON, JAMES A	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	

2624

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/899,022

Applicant(s)

TAKEUCHI ET AL.

Examiner

James A. Thompson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 23 May 2005 have been fully considered but they are not persuasive. Applicant's arguments are directed to the present amendments to the claims and not the claims as filed immediately prior to the previous office action, dated 23 May 2005. The rejections of the claims based on prior art are given in detail below. The new grounds of rejection have been necessitated by the prior art.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7, 13/1-13/4 and 13/7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US Patent 6,233,426 B1) in view of Fujitaka (US Patent 5,541,712).

Regarding claim 1: Lee discloses a cover of an image reading apparatus (figure 4 of Lee) comprising a cover member (figure 4(46) of Lee) for covering an original placed on an original stand (column 3, lines 61-64 of Lee); a hinge member (figure 4(44) and column 3, lines 38-40 of Lee) having one end thereof supported by said cover member (column 4, lines 5-8 of Lee), and the other end of said hinge member being mounted on

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and pivotally supported by said original stand (column 3, lines 58-60 of Lee). The two articulating links (figure 4(44) of Lee) comprise the overall hinge member.

Lee does not disclose expressly that said one end of hinge member is supported by a cover member by means of rotary shafts such that said cover member and said hinge member are pivotable relative to each other about said rotary shafts; and a biasing member for biasing said cover member in a direction in which said cover member is opened with respect to said hinge member, wherein said cover member is restrained with respect to said hinge member in an axial direction of said rotary shafts by said biasing member.

Fujitaka discloses supporting a cover member on one end with a rotary shaft (figure 2(38) and column 10, lines 1-4 of Fujitaka) such that said cover member is pivotable about said rotary shaft (column 10, lines 1-4 of Fujitaka); and a biasing member (figure 3(40) of Fujitaka) for biasing said cover member (column 10, lines 10-14 of Fujitaka) in a direction in which said cover member is opened (column 10, lines 1-10 of Fujitaka), wherein said cover member is restrained with respect to said hinge member in an axial direction of said rotary shafts by said biasing member (column 10, lines 1-10 of Fujitaka). Said biasing member provides force in one direction, and thus aids rotation in one direction and restrains rotation in the opposing direction. Since the bias occurs in an axial direction of the rotary shaft (column 10, lines 1-10 of Fujitaka), then said restraint also occurs in an axial direction of the rotary shaft.

Lee and Fujitaka are combinable because they are from the same field of endeavor, namely devices for covering the platen of an image scanning device and securing the document to be

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scanned. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include the biasing member taught by Fujitaka as part of the overall apparatus taught by Lee. Since said cover member is attached to said hinge member in the apparatus of Lee, said biasing member would bias said cover member in a direction in which said cover member is opened with respect to said hinge member. Further, the cover member and hinge member would be pivotable with respect to each other since the cover member and hinge member are articulated on different sides and using different rotational means. The motivation for doing so would have been to compensate for the effects of the weight of large, thick media that is to be scanned (column 10, lines 1-4 of Fujitaka). Therefore, it would have been obvious to combine Fujitaka with Lee to obtain the invention as specified in claim 1.

Regarding claim 2: Lee discloses that said hinge member is pivotally supported by another area (figure 4(32) of Lee) than an end portion of said cover member (column 3, lines 24-27 and column 4, lines 48-51 of Lee). Said hinge member is supported by the recessed region (figure 4(32) of Lee) which comprises an opening (figure 4(40) and column 3, lines 24-27 of Lee) into which the starter (figure 4(52) of Lee) is pivotally inserted, and is thus supported (column 4, lines 48-51 of Lee), said starter being a portion of the overall hinge member (column 3, lines 41-44 of Lee).

Regarding claim 3: Lee discloses that said cover member has its pivotally movable range restricted with respect to said hinge member (column 4, lines 35-39 of Lee).

Regarding claim 4: Lee discloses that at least one of said cover member and said hinge member is provided with a

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restricting portion (figure 3(76) of Lee) for restricting the pivotally movable range of said cover member in said direction in which said cover member is opened with respect to said hinge member (column 4, lines 35-39 of Lee).

Further regarding claim 7: Fujitaka discloses that said biasing member is a torsion coil spring (column 10, lines 10-11 of Fujitaka).

Regarding claim 13/1: Lee discloses the cover recited in claim 1, the arguments of which are incorporated herein; and image reading means (figure 4(20(portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

Regarding claim 13/2: Lee discloses the cover recited in claim 2, the arguments of which are incorporated herein; and image reading means (figure 4(20(portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

Regarding claim 13/3: Lee discloses the cover recited in claim 3, the arguments of which are incorporated herein; and image reading means (figure 4(20(portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure

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of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

Regarding claim 13/4: Lee discloses the cover recited in claim 4, the arguments of which are incorporated herein; and image reading means (figure 4(20(portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

Regarding claim 13/7: Lee discloses the cover recited in claim 4, the arguments of which are incorporated herein; and image reading means (figure 4(20(portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

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Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is 571-272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Thompson
Examiner
Art Unit 2624

JAT
25 July 2005



THOMAS D
~~THOMAS~~ LEE
PRIMARY EXAMINER